

Docket No. PD 1300.01 US  
USSN: 10/063,558

PATENT  
Art Unit: 2186

### REMARKS

This Amendment is in response to the Office Action mailed May 4, 2004. Claims 1-10 are pending in the present application. In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. § 102(e). Applicant has canceled claims 4, 5, 9, and 10, and amended claims 1 and 6. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,279,153 issued to Bi et al. Applicant has canceled claims 4, 5, 9, and 10, and amended claims 1 and 6. Applicant respectfully traverses the rejections for at least the following reason.

I.

Bi does not teach, suggest or describe using a first and an optional second header, the optional second header indicating whether said version of said execution image is a compressed version

Bi is directed to a flash ROM update scheme that handles files, such as .EXE and .COM files, in the traditional manner (See column 62, lines 44-67 to column 3, lines 1-35). Even if these files use headers, they do not include an optional second header that gives an indication of whether the execution image is

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a compressed version. In fact Bi is explicit in the assumption that all execution images in non-volatile memory must be compressed. See column 63, lines 31-35, where it is stated that the entire header is stored in decompressed format, while the code or data portion is stored in compressed format.

Using the present invention, the process in Bi is only one possible scenario, but it is not the only scenario. Thus, in the present invention an optional second header is referenced from a first header. If the optional second header indicates that the execution image is a compressed version, then it is decompressed and transferred to volatile memory where it is executed. (The Bi scenario). Alternatively, the optional second header does not indicate that the execution image is compressed or the optional second header is non-existent. In this scenario the execution image is transferred and executed on the fly. Such a possibility is not contemplated by Bi.

Therefore, Applicant believes that Independent claims 1 and 6 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. § 102(e) be withdrawn.

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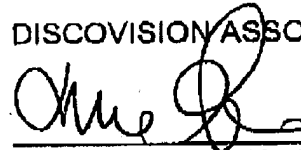
### CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES



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Dated: June 29, 2004

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#### CERTIFICATE OF FACSIMILE TRANSMISSION

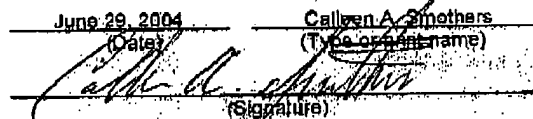
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (703) 872-9306 on:

June 29, 2004

(Date)

Callen A. Smithers

(Type or print name)



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